The Sun.

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THE STATE LEGISLATURE.

MAKING COMBINATIONS OF FORCES TO SHARE IN THE SPOILS.

Commissioner Green's Perplexities—The Seventy's Charter Held in Abeyance—Germans Demanding Self-Government for New York City—Mr. Hill's Sly Dash at a Custom-House Republican.

ALBANY, Jan. 18.—The air was filled this morning with rumors that the fight between the Republican factions in the House was to be opened by an attack upon Mr. Hawkins's bill authorizing Comptroller Green to raise $4,500,000 to pay salaries, &c. As stated in former letters, the feeling that Mr. Green is asking for too much power to be placed in his hands, is rapidly gaining ground. Republicans say that honest members of their own party can be found in New York who ought to be associated with Mr. Green in disbursing the large sums of money which he is asking for authority to raise. The arrival here of Aldermen Cochrane, D. D. Conover, and Dr. Wilder, together with several other influential Republicans of New York, seems to have given new impetus to this feeling, and had the proposal been called up to-day, probably the bill would have been severely handled. But the managers of the measure, no doubt appreciating this fact, managed to get up a discussion on the bill relating to the officers and employees of the Legislature, and this discussion consumed the entire session. It is again made the special order for to-morrow morning, and meantime the opposing factions will have an opportunity to form new combinations. I learn that an attempt will be made to harmonize the differences; but it is impossible, as the breach is too great. It is rumored that Mr. Alvord will lead the attack on the bill, and that Mr. Twombly and nearly the entire New York delegation, with the exception of Mr. Hawkins, will support Mr. Alvord.

THE NEW COMBINATIONS.

Comptroller Green was on the floor of the Assembly this morning, urging the passage of the bill. He and Mr. Twombly met in the corridor, and had a conversation, which at one time became heated. Aldermen Cochrane, Conover, and Wilder were lobbying against the bill. The Democrats, it is understood, will act with the Fenton men, while the Custom House influence has been pledged to Mr. Green. The fight promises to be a very lively and bitter one. That the combinations to which I have heretofore alluded have been about completed, is now generally conceded. It was rumored last night that Dr. Greeley was coming up to assist at the final proceedings, but as yet he has not put in an appearance. Before the meeting of the House this morning Old Salt and Mr. Twombly had a consultation, after which Mr. Twombly paid a visit to the seat of Mr. Jacobs and held him by the buttonhole several minutes. This was looked upon by the spectators as proof that a combination had been effected between the Fenton-ites and the Democrats.

A REPUBLICAN ITCH FOR OFFICE.

This morning a member assured me that no measure relating to New York affairs could pass this winter unless the Republicans were properly provided for in it. He said that they had a large majority, and were held responsible for the work done, and that therefore they must have in their hands the execution of the laws enacted, in order that they might be properly enforced.

As stated above, the whole of the morning session was consumed in a wrangle over the Employees' bill. It was in the main a good one, and should have gone through the Committee of the Whole in thirty minutes. The only real objection to the bill that had any weight was made by Mr. Fields. The fifth section of the bill provides that when any standing committee shall be charged with the duty of making an inquiry or investigation, it shall have power to appoint a sub-committee of its own members to make such inquiry or investigation, and to take testimony. This would give the committee power to make such a sub-committee consist of one man, and Mr. Fields moved an amendment that such sub-committee should not consist of less than three.

THOMAS C. FIELDS'S VICTORY.

Notwithstanding his amendment was strenuously opposed by the Speaker and Mr. Alvord, it was adopted by 58 to 48. In the course of the debate, Mr. Fields delivered a telling speech, and after the adjournment he was congratulated upon his brilliant victory over such men as Alvord and Smith. In the words of one of them: "Tom is keeping his head level this winter, and it is a pity he didn't do the same thing last."

Mr. Hill of Chemung offered an amendment, which he afterward explained as a joke, which stirred up a good deal of bad blood. It was in effect that hereafter the compensation for

PROOF-READING BY THE CLERK OF THE SENATE

should not exceed two per cent. of the amount paid for the work. This brought up Old Salt, who said he was not then prepared to defend his friend, at whom this scurrilous fling had been made. He had always entertained a very high opinion of the gentleman from Chemung, but since he had offered this resolution, which was entirely out of place, that opinion had materially changed. Speaker Smith also pitched into the gentleman from Chemung, and sneeringly alluded to the legislation of last winter and Mr. Hill's connection therewith. Hill, in reply, insisted upon his right to introduce such a resolution, and defied any examination into his record of last year, and that, he intimated, was more than some of those who had assailed him for attempting to perpetrate a joke would dare to do. The scene was ended by Mr. Fields requesting Mr. Hill to withdraw the resolution, which he did.

WHAT AN INVESTIGATING COMMISSION COST.

There was an animated debate in the Senate today when Senator Woodin called from the table the concurrent resolution from the Assembly directing the Committee on Judiciary of both Houses to examine the affairs of the District Attorney's office in New York. Senators Madden, Woodin, and Robertson opposed the passage of the resolution on the ground that the Grand Jury now sitting in New York had all the power they wanted to examine into all charges of fraud and corruption, and that the Judiciary Committee of the Senate had all the work before them that they could do justice to during this session.

SENATOR TIEMANN AS A STORY-TELLER.

Mr. Tiemann was opposed to having committees appointed to investigate the affairs of any of the offices if they could be reached in a legal way, and for illustration of the manner in which investigating committees perform their duties he recited a story told of a country parson whose congregation doubted the spirituality of his sermons. They appointed a committee to investigate. The committee called upon the parson at his house one evening, and he made them all drunk. They reported back that he had given them Christian satisfaction.

The resolution was lost.

SENATOR WOOD'S BORROWED FIFTEEN THOUSAND.

I learn that Senator Wood has declined to appear before the Committee at present with his denial of the charges against him. He is desirous that first all the testimony against him should be put in. The Committee are summoning witnesses, but will not be able to do anything until some time next week. I may as well state here a bit of gossip which has come to my ears. I learn that Senator Wood, on Friday night last, met in the St. Nicholas Hotel in New York Mr. Chamberlain, a former partner of his in the whiskey business, and that arrangements were there completed by which Chamberlain is to turn up as the poor friend for whom the Senator borrowed the $15,000 from Mr. Tweed.

A COMPROMISE FINANCE BILL.

The following bill was reported by the Senate Committee on Cities to-day. It is understood to be a compromise drawn by the Committee to meet the views of opposing interests:

SECTION 1. The Comptroller of the city of New York, the Commissioner of Public Works, and the President of the Department of Public Parks, shall constitute a Board of Apportionment and Audit, which shall by the concurrent vote of all said members make and file in the Department of Finance of said city and cause to be published in the Corporation papers an estimate of the amounts required to defray the expenses of conducting the public business of the city and county of New York in each department and purpose thereof, from the first day of January to the 30th day of April, 1872, both dates inclusive, and for the interest of the city and county debt due on the first day of May, 1872, and upon the filing of such estimate the amount thereof shall be deemed as set apart, appropriated, and apportioned accordingly, and during said period the said Comptroller shall have power to [illegible] and transfer appropriations made as aforesaid which are found to be in excess of the amount required or deemed to be necessary in such other purposes or appropriations in said estimate as [illegible]. And the said Comptroller shall [illegible] each week furnish a statement to each of the departments in said city, and to the officers in said county, [illegible] the appropriations so made for carrying on each department during the period aforesaid, and [illegible] the use of such statement for [illegible] such appropriation. It shall be the [illegible] department and officers to regulate the [illegible] that they shall not exceed the appropriation [illegible] aforesaid, and shall [illegible] during the [illegible] or depart-[illegible] city and county beyond the appropri-[illegible]

[illegible] TO BE MADE BY THE COMPTROLLER.

[illegible] is hereby authorized [illegible] the claims [illegible] salaries and wages of employees of the [illegible] and county of New York [illegible] of claims remaining [illegible] the purposes of the various departments [illegible] city. And also for street [illegible] and [illegible] other than [illegible] shall be [illegible] by the concurrence of all the members of said Board of Apportionment and Audit. And the said Comptroller is hereby authorized and required to issue revenue bonds of said city or county in such form and manner as he may prescribe, not exceeding $4,500,000 in amount, bearing interest not exceeding 7 per cent. per annum, payable in the discretion of said Comptroller within two years from the date of said bonds respectively, which bonds shall not be issued at less than their par value.

TO WHOM THE COMPTROLLER MAY PAY.

SEC. 3. All payments for and on account of the work done, services performed, or supplies and materials furnished during the period for the 1st day of January and the 30th day of April, both dates inclusive, to or for the city of New York or any of the departments or purposes thereof, and to or for the county of New York or the purposes thereof, shall in all cases in which the Comptroller shall so order in writing be paid to the party or parties entitled to receive the same by the Department of Finance of said city upon the claims thereof being audited as required by law and by the regulations of said department.

SEC. 4. All acts and parts of acts inconsistent with this act are hereby repealed.

SELF-GOVERNMENT FOR NEW YORK.

Senator Weiseman presented a memorial signed by twenty-two German citizens of the Tenth, Eleventh, and Seventeenth Wards in the city of New York, praying that the Legislature would restore to the people of the city of New York the right of self-government, claiming that the people of that city are able to manage and conduct their own affairs. It asks for the election of all the leading officers and heads of departments, thereby making them directly responsible to the people. The petitioners also ask that the Civil Justiceship be abolished on the ground that many of the officers are incompetent, and that the Board of Education shall be remodeled and the salaries of teachers be increased.

The petitioners ask that the Sheriff, County Clerk and Register shall be paid a salary and receive no fees. They ask that the constitution may be amended so as to provide for an increase of the salaries of the Senators and members of Assembly, and that a general system of reform be adopted in the management of the affairs of the city of New York, and that the city and county governments be consolidated, as advocated by Thunderbolt Norton in the session of 1870, a proposition which was defeated by the aid of Republican votes.

COMPTROLLER GREEN'S MISFORTUNES.

The bill legalizing contracts and assessments is not reported from the Committee on Cities yet, and it is not likely that it will be in its present shape.

Mr. Wheeler, Chairman of the Albany committee of the Committee of Seventy, and Mr. Blumenthal are here watching the course of Reform legislation. They express fears that the strife which is breaking out between the factions of the Republican party will materially interfere with the real reform measures which are needed for New York city. The charter of the Committee of Seventy will not make its appearance here until next week.

OTHER BILLS.

Senator Robertson introduced a bill for the protection of taxpayers against frauds, embezzlements, and wrongful acts of public officers and agents.

The bill makes officials trustees of the funds of a county, town, or municipal corporation, and subjects them to prosecution for fraud, embezzlement, &c.

A bill introduced by Mr. Robertson, and intended to reach the boulevard schemes of Westchester county, places the agents and commissioners of any county in the position of trustees and the taxpayers in that of a *cestui que trust*.

Senator Perry introduced a resolution this morning, calling upon Superintendent Miller to report the names and condition of all insurance companies examined, and the amounts and charges received for such examinations by him. It was adopted.

A TEST VOTE IN THE ASSEMBLY.

A caucus was held to-night in the Delavan House to unite the forces opposed to Hawkins's bill, but nothing definite was decided. They adjourned to meet again to-morrow morning, and they will unite upon a plan of action. The Custom House party got together in Congress Hall, and members who were considered doubtful were sent for to talk the matter over. The fight over this bill to-morrow promises to be very bitter. Its opponents will endeavor to get in an amendment making the Comptroller, Gen. Cochrane, and Commissioner Van Nort a Board to disburse the $4,500,000 authorized to be raised. The lines will be distinctly drawn between the opposing forces, and the vote will be looked upon as settling the relative strength of the parties in the Assembly.

A DEMAND FOR THE SEAT OF THE BOSS.

O'Donovan Rossa made his appearance here today, and went before the Senate Committee on Privileges and Elections, to make a formal demand for the seat of Boss Tweed. The Committee decided to inform the Boss that his seat was contested, and that he must appear and answer some time next week.

Mr. Leask, who contests the seat of Dunphy, came up to-night with a carpet-bag full of affidavits to prove that he was counted out. He will appear before the Committee to-morrow.

MR. BARR'S ANCILLARY QUALITIES.

Assaulting a Venerable Railroad Operator [illegible] Example to the Police.

Shortly after 2 o'clock yesterday afternoon the glass door of the New York Gold Exchange Bank leading from the corridor of the building, 58 Exchange place, was suddenly opened and a tall, thin old gentleman, with white hair and close cropped white whiskers, darted in and slammed the door behind him. The old gentleman seemed to be in a terrible state of excitement. He nervously called on the astonished clerks for protection, saying that he had been assaulted outside by Peter B. Sweeny's uncle, who was a Police Commissioner.

At the same time a stout gentleman, with short, brown side whiskers and an enraged countenance, appeared outside the glass door and shook his fist threateningly at the old gentleman inside. He then made a motion as though to come in, but one of the clerks was too quick for him, and, going out upon the corridor, ordered him to leave the building under penalty of being handed over to the police.

"My name is Thomas J. Barr, sir," said the stout gentleman; "I am a Commissioner of Police, sir."

CLERK WHO DOESN'T CARE FOR A POLICE COMMISSIONER.

"I don't care who you are," replied the clerk, "we won't have any trouble here. Even if you are a Police Commissioner you are amenable to the law, sir."

"But, sir," expostulated Mr. Barr, "that man inside has $200 of my money in his pocket."

"Well, sir, you will have to settle your differences elsewhere," answered the clerk, "you must not raise any trouble here."

A large crowd having collected, the pugilistic Mr. Barr went away, muttering vengeance. The excitement when the facts became known was intense. The old gentleman was recognized as Mr. C. Schenck, a well known railroad operator, with an office at 15 Wall street. The most exaggerated rumors flew about. It was said that he had been badly beaten, and this report caused great indignation among the multitude, most of whom seemed to be friends of Mr. Schenck. Mr. Barr was spoken of in terms which were far from complimentary. His recent encounter with Surgeon Higginbotham of the Seventy-first in the up-town branch office of a morning newspaper, was freely canvassed, and hopes were expressed that he would not get off so easy this time.

MR. SCHENCK'S STORY.

"I left an office in New street, in which I had been transacting some business, at 2 o'clock, and started to go to another office in Broadway. The buildings between Wall street and Exchange place fronting on that side of Broadway all run through to New street as you know. Wishing to take a short cut, I started to climb the steps of the corner building—the buildings are a story lower on New street than on Broadway—when I heard my name called, I turned around and saw Mr. Barr. I have been acquainted with Mr. Barr a long time. I stopped so as to let him catch up with me and together we walked through the corridor. He said to me: 'I've been looking for you a long time,' and demanded of me $200 which he claimed I owed him, but which I do not. I refused of course, and he called me some bad names which I do not like to repeat. I asked him what he meant, and with that he drew off and struck at me. He did not hit me as I threw up my arm and warded off the blow. We had arrived opposite and but a few feet away from the door of the gold bank at the time.

MR. SCHENCK'S DISCRETION.

It suddenly flashed upon me that it would be folly to resent his attack, as the probability was that if I struck him back he would have me arrested, and kept over night at least in jail. He always carries his shield under his coat, and, being a Police Commissioner, had decidedly the best of me. I also understood that he always carries a revolver, and to have a pistol is generally temptation enough to shoot. Leaving these things out of the question, Mr. Barr is a stronger man than I am and has had more practice with his fists; and besides I would gain nothing by mixing myself up at my age in a street fight, a thing I have never done yet. I therefore took refuge in the Gold Bank before he could strike at me again and explained my case to the clerks. One of them went out and spoke to Mr. Barr, who soon afterward went away. I do not know what was said between them. I then went about my business.

NO PREVIOUS QUARREL.

Reporter—Did you ever have any previous quarrel with Mr. Barr?

Mr. Schenck—No, sir, not a word; nor with any other man in my life. Why, it is only a short time ago that I received a friendly note from Mr. Barr asking me to call and see him.

Reporter—Did the disputed $200 have anything to do with the attempt to bail Hannibal and St. Jo. stock a short time ago?

Mr. Schenck—No, sir; it originated in a private transaction between him and me. He received all he was entitled to. I am a railroad man, but I have nothing to do with rings of any sort. I am on exactly the opposite side of the house in politics and everything else. I refer to Mr. —— and Mr. —— (naming a large number of the most prominent gentlemen in the city) who are all my friends and can tell you who I am.

Reporter—What do you propose to do about this affair?

Mr. Schenck—Oh, I don't know as it is worth while doing anything. What chance would I have against a Police Commissioner? If he had hit me, however, I would have had him arrested in a minute.

Reporter—Suppose he had served you as he did Higginbotham?

Schenck—I was a witness to that affray. It was an outrage, and I so denounced it at the time. I would have done my best to have him punished.

A BIG DAUB OF WHITEWASH

THE HON. A. B. CORNELL'S SHOCKINGLY BAD MEMORY.

Vainly Trying to Wring out a Few Drops of Truth—Gen. Spinner's Brother-in-Law Retained, though Guilty of Taking Bribes—No Compulsion to Pay Election Taxes; Only They Must.

In the examination yesterday of P. Pohalski, an importer of cigars, who testified that large quantities of his cigars have been stolen from the general order stores by the Custom House officials, and that it was impossible for him to obtain redress from the Collector, Senator Bayard said: "There is great difficulty in obtaining testimony with regard to abuses in the Custom House. Most of the parties, of course, who have any knowledge on the subject, have been connected with the frauds, and would be unwilling to testify.

Mr. Bayard—Suppose you should make complaints about these losses at the Custom House, are you under the impression that it would relieve or embarrass you in the future? A.—I think it would embarrass me still more.

Mr. Pohalski also complained of delays of his goods and other abuses, of which he complained to the Collector without being able to obtain redress. He said: "A friend of mine lost recently 1,300 or 1,800 cigars from one invoice."

THE HON. A. B. CORNELL'S TESTIMONY.

The Hon. Alonzo B. Cornell, Surveyor of the Port, was called by Mr. Stewart, in spite of the protests of Senators Casserly and Bayard, who said the agents of the steamship companies, who had been waiting all morning, ought to be examined first. Mr. Cornell answered some fifty questions of the Grant Senators to their perfect satisfaction. He testified that the Custom House was, in point of honesty, economy, and freedom from party influence, the model establishment of the world.

Mr. Stewart—How many of the Custom House men who were in Syracuse last fall were delegates to the Convention? A.—Six out of sixty who were proved to have been there.

Mr. Bayard (in a whisper, and leaning over to Mr. Stewart)—Ask him how many were there who were not delegates.

Mr. Stewart—Do you know how many were there who were not delegates? A.—All in all, there were perhaps forty or fifty there.

Mr. Casserly—How long were you in Albany previous to the election of Speaker? A. (after many attempts at dodging the question)—Three days.

OH, NO!

Q.—Did you know when you were called here, what subjects you were to be examined upon? A.—No, sir.

Mr. Stewart smiled. He knew what he had called Mr. Cornell for. Mr. Casserly proceeded with the testimony, Mr. Bayard crossing his legs and reading a book, Mr. Howe taking up a copy of the SUN and reading its Washington report. Mr. Cornell stated that there were less Custom House employees at the last Convention than at any previous Convention.

Q.—You were there yourself? A.—Yes, sir.

Q.—As Chairman of the State Central Committee? A.—Yes, sir.

Q.—A position which you were at liberty to decline always? A.—Yes, sir. [Laughter.]

Q.—Why were there less Custom House officials there than previously? A.—Because I discouraged all my subordinates from going to the Convention.

Q.—Do you think that in this case example was more or less powerful than precept? A. (laughing)—Less. [Laughter.]

Q.—Why less? A.—I don't know. [Laughter.]

Q.—Did your discouragement of the attendance of Custom House officials on political occasions extend to such an occasion as the organization of the Legislature? A. (in such a roundabout way that it would take a quarter of a column to report it in full)—They went there because it was a holiday (New Year).

Q.—Ships come in on holidays, do they not? A.—Yes, sir.

Q.—Suppose an inspector was wanted to board a ship, would he be able to do it if he were in Albany? A.—No, sir.

IN SPITE OF MR. CORNELL.

Q.—I understood you to say that, despite of your discouragement, forty or fifty Custom House officials went to Syracuse? A.—Yes, sir.

Q.—They went there in spite of your discouragement? A.—Yes, sir.

Q.—Have you punished them in any way for this act of disobedience? A.—No, sir; it was no disobedience.

Q.—Then your order, or the expression of your wishes, was not of such a character as to require obedience? A.—Some were entitled to a leave of absence.

Q.—Was that Convention an exciting one—I mean, did it excite a good deal of interest in the Republican party? A.—Yes, sir.

Q.—I mean, in the Administration party and in the other party? A.—I don't know of any division of this kind?

Q.—You don't wish me to call it the Administration party? Very well, I understand you to say that you know of no division of this kind—that you only know of a Republican party? [Laughter.] A.—Yes, sir. [Laughter.]

Mr. Cornell laughed at his own answer. Mr. Bayard laughed at Mr. Cornell. Mr. Buckingham laughed at Mr. Bayard.

[illegible]

Q.—You stated that the Custom House officials exercised no influence there? A.—No, sir; no official influence. They exercised some personal influence.

Q.—They did exercise some personal influence? A.—Yes, sir.

Q.—When Mr. Cornell, Surveyor of the Port of New York, goes to the Syracuse Convention, do you suppose that most people would separate his official from his personal character? A.—No, sir. I mean no appointments were promised and no threats of removal made.

Q.—Suppose a high Custom House official makes a demand upon a member of the Convention who either has relatives in the Custom House or friends, or is himself in the Custom House, do you suppose it makes any difference whether he makes the demand avowedly as a Custom House magnate or as a private individual? A.—It would depend on the man upon whom he would make that demand.

Q.—Some men are more bold than others? A.—Yes, sir.

Q.—Some men would not give way, others would yield? A.—Yes, sir. (Laughter.)

Q.—What has been your experience? Do most men yield? A.—No, sir. [Laughter.]

Q.—Your experience has been that most men would not yield? A.—No, sir. [Laughter.]

Q.—You say the Custom House men who were in Syracuse did not exert their influence in the Convention? A.—Well, they were interested in the policy of the Convention.

Q.—And being interested, they tried their best to bring a change about? A.—No, sir; that was necessary.

THAT WAS ALL.

Q.—Do I understand you to say all they had to do there was to hold up their arms and shout "Victory?" A.—Yes, sir. [Uproarious laughter.]

Q.—You say that many of the Custom House officials were allowed to retain their residence in the counties from which they were appointed? A.—Yes, sir.

Q.—And no man is allowed to be absent from the Custom House for more than fourteen days in the year? A.—No, sir.

Q.—When you say, then, that Mr. Greeley's statement about the three hundred Custom House officials whom he saw travelling round in the State for the purpose of electioneering is not true; you don't know but some of these men may have been at home electioneering? A.—I don't think most of them would take a leave of absence for political purposes.

Q.—You don't undertake to say what they go away for after they are gone? A.—No, sir.

Q.—Do you mean to say that not more than forty or fifty cases of absence (for political reasons) occur during the year? A.—Yes, sir.

Q.—What is the whole number of absences? A.—45 persons in any department have 14 days each.

Q.—Men generally take their leaves of absence, don't they? A.—Yes, sir; although only a small number

TAKE AN INTEREST IN POLITICS.

Q.—Do I understand you to say that out of 450 not more than 10 or 5 go away for political purposes? A.—Well, sir, they don't all travel about in the State of New York.

Q.—But they may at their homes? A.—(in 75 words) —Yes, sir.

Mr. Cornell tried to dodge every question put to him by Senator Casserly. He evidently kept the fact in mind that he was called there expressly for the purpose of whitewashing the Custom House, not assisting the Whitewashing Committee.

Q.—What do you say of the practice of bribing Inspectors? A.—No doubt attempts are made by the steamship companies to bribe officers.

Q.—What is the object of giving the Inspectors money? not to get extra despatch, extra favors? A.—Yes, sir. I have investigated some cases, and always found Mr. Murphy very willing to discharge those men. I have no doubt the present Collector will be of the same mind, although no case of the kind has as yet come to his notice.

Q.—You propose to endorse him in advance? [Laughter, and no answer.]

Q.—Can you name one Inspector you have punished? A.—I would rather not. I can't just now.

LAUGHING AT MR. CORNELL'S BAD MEMORY.

Senator Bayard went over to the Chairman's seat, put his hands on Mr. Buckingham's shoulder, his face close to Mr. Buckingham's face, and whispered to him. The Senator from Maine put his hands on Mr. Bayard's back, and so they remained in close embrace for several minutes. When they separated they both were laughing. Senator Stewart paid deep attention. He stood outside the door, looking in and smoking a cigar. After he had looked for a while through the glass door he went to the bar and took a drink—one drink, two drinks, three drinks. The Hon. the Senator from Nevada, took three drinks, and then returned to the other members of the Committee, who had not got anything to drink since yesterday, when they drank some very good champagne at the expense of Col. Leet and Gen. Porter, at the general order stores.

BRIBING INSPECTORS.

Q.—What is your judgment with regard to the practice of bribing Inspectors in order to make them pass baggage? A.—I think such cases are very rare.

Q.—Do you mean very rare in proportion to the number of the Inspectors or the number of packages? A.—Rare in comparison with the number of packages.

Q.—Well, that seems to me to be a very low standard. The arrivals of passengers will average 2,000 a month. There are certainly 250 who have dutiable goods? A.—Well, I have no idea that the Inspectors are bribed in five cases out of a hundred.

Mr. Casserly (laughing)—I suppose so; although I should have thought quite different from what I've heard in New York. How many cases of bribery have you investigated? A.—Twenty five or fifty.

Q.—Since April 1, 1869? A.—Yes, sir.

Q.—Have you ever convicted any men? A.—Yes, sir; when I've found the charges to be correct I've removed the man.

Q.—How many? A.—I don't know.

Q.—Can you name one? A.—No, sir, I don't remember one just now. (Laughter.) I tried to have a man by the name of Caswell removed. He had repeatedly taken bribes. Mr. Murphy failed to act on the recommendation, however.

GEN. SPINNER'S BROTHER-IN-LAW TAKING BRIBES.

Q.—Was this Caswell the brother-in-law of Gen. Spinner of the Treasury Department? A.—Yes, sir.

Q.—Is it necessary that when an offending and corrupt officer is to be removed, who has a relative in a distinguished member of the Government, the latter should interfere? A.—I don't know, sir.

Mr. Cornell was pale when he said this, and trembled at the thought of saying a word against the "Government."

Q.—Have you reason to believe that goods have been brought in without paying duty with the knowledge of the Customs officers? A.—Yes, sir; I can't call a case to mind just now. [Laughter. Mr. Cornell's forgetfulness was so ridiculous that he had to laugh himself.]

Q.—Is it true that last October the clerks were required to pay two per cent. of their salaries as a political assessment. [Mr. Casserly produced a copy of Mr. Murphy's order to that effect.]? A.—I pronounce this allegation a falsehood in every particular. [Sensation.]

Q.—Were there no assessments for political purposes levied last fall in the Custom House? A.—No, sir.

ONLY A VOLUNTARY CONTRIBUTION!

Q.—None at all? A.—No, sir; none at all (after a pause), except a voluntary contribution.

Casserly—Oh! a voluntary contribution! I see. [Laughter.]

Q.—How much was raised? A.—$12,000.

Q.—By how many men? A.—Four hundred.

Q.—And how much is the average pay? A.—$1,500 a year.

Q.—Then it was over two per cent.? A.—Yes, sir, that would make it a little over two per cent.

The whole audience laughed at this confession.

Q.—You call that a voluntary contribution? A.—Yes, sir, it was entirely voluntary.

Q.—Entirely voluntary? A.—Yes, sir; it was a matter of pride among the men.

Q.—Do you mean to say that they actually feel a few inches bigger than they did before? A.—Yes, sir. [Laughter.]

Q.—You have said you have heard of cases in which men objected on the ground of their necessities? A.—Yes, sir.

Q.—Then it was not entirely voluntary with those who had to object? A.—Yes, sir.

THEY WISHED TO PAY.

Q.—If it was all voluntary, why should they have to come to you and ask you to excuse them? A. (after a pause of bewilderment)—Because they wished to pay. [Mr. Casserly laughed.]

Mr. Pratt—Did you ever know of a man's being turned out because he refused to pay an assessment? A.—No, sir.

Mr. Casserly—He has already stated that, Senator; he volunteered the statement about an hour ago.

Mr. Pratt took no notice of this remark.

Mr. Casserly—When they are removed for such reasons it is not generally stated that they were removed on that ground? A.—No, sir. [Laughter.]

Mr. Buckingham asked "at the request of one of his associates in the Senate," whom it was not difficult to guess, whether Roscoe Conkling ever recommended any men for places in the Custom House, and the faithful Alonzo answered every time, "No." Messrs. Casserly and Bayard, who had too much delicacy to question this statement, let these questions pass, but one could see that he didn't believe the Hon. Alonzo's answer. The faithful Alonzo wouldn't have been able to answer "Yes," if the Hon. Roscoe Conkling, Mr. Buckingham's "associate," had got places in the Custom House by the dozen.

Mr. W. W. Dowas, Customs clerk of H. B. Claflin, testified with reference to several shameless robberies perpetrated by Customs officials on the firm while their goods were in their custody. Valuable goods were openly stolen by the Custom House thieves.

The Night Session.

The Committee reassembled at 8 o'clock last evening. The first witness called was Luther G. Tillotson, who was examined by Senator Bayard.

I am an importer of railroad and telegraph material and do business in Dey street. I suffer in common with other merchants from the exorbitant charges of Leet & Company. I find the following among my bills:

LEET & CO., Oct. 27, 1871.

For storage, labor, and cartage of 373 coils of wire, imported by the City of Washington:

Storage, 15c. per coil	$56 10
Labor, 15 per coil	56 40
Cartage	26 46—$139 23

I thought the charge excessive, and protested against it. Leet & Company gave me to understand I couldn't help myself. Surveyor Cornell is a personal friend of mine, and I related the circumstances to him. A few days after, about Dec. 10, I received a modified bill from Leet & Co., as follows:

Storage, 10c. per coil	$37 60
Labor, 10c. per coil	37 60
Cartage	26 46—$101 66

I paid that bill. They had declined previously to deliver five of the coils until the first bill was paid. For storage in Livingston & Co.'s bonded warehouse I only paid 2½ per cent., and 3 per cent. for labor. The accommodation and safety in Leet & Co.'s is no greater than in other bonded warehouses.

LEET & CO.'S INFAMOUS ROBBERIES.

Q.—Am I to understand that the charge for storage at Leet & Co.'s—that is, the original bill—was six times greater than the usual charge for storage in bonded warehouses, and five times the usual charge for labor, and that this bill was afterward modified to four times the usual charge for storage and about three times that for labor? A.—Yes, sir. It was more on account of their impoliteness that I disputed the bill, as I am accustomed to their charges. I endeavor by all means, however, to keep my goods from going into general order. The invoice of the above order was for some reason delayed, but I expected it on the next steamer. I sent my bookkeeper to the steamer to have the wire kept on the pier from the general order. The inspector asked how much it would be worth to us. The amount agreed upon was $25. The steamer with the invoice arrived two or three days after, and when we went after the wire we were surprised to find it had gone into the general order, notwithstanding the arrangement with the inspector. I have always tried to keep my goods from the general order. I think it is a thing to be [illegible]

[illegible] THEIR PALM.

Q.—Have you had occasion at other times to make arrangements with inspectors? A.—I have, on several occasions. There is no other way for merchants who have not received their permits avoiding the exorbitant charges of Leet & Co. I believe it is a common practice among merchants to pay inspectors.

Q.—What are the opinions of merchants of your acquaintance concerning the general order system? A.—They invariably denounce it as outrageous.

Mr. Stewart—What was the name of the inspector? A.—I don't remember the name of the inspector. I agreed to pay him $25. I have made the same arrangement in other cases.

Q.—Don't you know he had no right to take this money under the bonded law? He takes every month? A.—I suppose he hadn't.

COULDN'T BE WORSE.

Q.—Don't you know that making arrangements with officers [illegible] duty is very demoralizing to the service? A.—I don't think much could be added to the demoralization.

Q.—How many times have you made these arrangements for yourself? A.—About a dozen times, I think. I have paid inspectors money.

Q.—And you did not know it was a violation of law? A.—I did not know till Cornell told me.

Q.—What would you do, if you had a similar occasion now? A.—I would consult my interest and my conscience both. I would take them (laughing) very much in the order I name them.

Mr. Stewart (moralizing)—There are a great many merchants in this town, and millions of money. There are hundreds of poor clerks, who never saw much money in their lives. Don't you think it wrong for the wealthy mercantile community to demoralize these poor fellows? A.—Pretty hard to demoralize the Custom House now.

A CANKER RIGHT THROUGH.

Q.—Do you think a majority of the officials are corrupt? A.—I think a great many are.

Q.—Must there not be two parties to a corrupt bargain?

Senator Bayard—I object to my Honorable friend on my left, when a witness comes here to expose malfeasance in the Custom House, connecting the examination in this mode of recrimination. If we are trying the merchants of New York, it is one thing. If the officials of the Custom House, another thing.

Mr. Stewart—I have heard everywhere in New York, and from respectable men, that the Custom House is corrupt. They have given me instances of corruption, and I have said, "Why did you not report such a transaction to the Collector?" Let the merchants be more conscientious and there will be less corruption. If we remove the present officials, a more green and impecunious set will take their places, and in turn be bribed by these wealthy men.

NO MORALIZING, BUT FACTS.

Mr. Howe—We want facts now. You can say that in your report.

Mr. Stewart—Why did you not report these arrangements to the Collector? A.—I always understood it would be of no use, and I was afraid that the Inspector I would report might remain and give me trouble. The officials is way to prevent merchants from bribing. The present conduct to remove the provocation—" business. The conduct of the general order system would be all right if properly conducted. It shouldn't cost more to store in the general order than in an ordinary bonded warehouse. There seems to be a studied desire on the part of the inspectors to send goods into the general order. An inspector, on one occasion, sent to the general order goods for which he must have known I had received a permit.

Mr. Stewart—That appeared to be a case of hardship.

Mr. Casserly—A very mild name for it, I should say.

IT WASN'T PAID, THOUGH.

Mr. Tillotson—The inspector, learning that I was about to lodge a complaint, came and told me he would pay the bill. I don't think it was ever paid, though. I think the inspector feared my complaint would be listened to, as a personal friend of Mr. Cornell.

Mr. Pratt—Have you ever given gratuities to others than inspectors? A.—I think I have had a little intercourse with the weighers. [Laughter.]

Mr. Howe—Can you give the name of any other merchant whom you know to have made arrangements with inspectors? A.—J. C. Bloomfield & Co., 11 Dey street.

Mr. Howe—I move that the Collector of the Port of New York be directed to report here as early as possible the name of the inspector who discharged the City of Washington on her last trip before October 27.

Mr. Casserly—We want a little more evidence from merchants.

Mr. Tillotson—If the Inspector should be discharged we will have all the merchants down on us.

Mr. Casserly—The effect will be to dry up all the sources of testimony.

Mr. Pratt—The truth don't hurt anybody.

GRANT, TO WIT.

Mr. Bayard—Yes, sir, it does hurt some people very much. [Laughter.]

Mr. Pratt (smilingly)—It don't hurt me.

Mr. Tillotson—I don't know Leet & Co., but I suppose they will avenge themselves in some way for my testimony here.

Mr. Casserly—Make you pay for it? A.—That's the reason merchants don't report these little matters.

Mr. Bayard—The testimony of this witness has developed a case of unquestionable extortion, and it has shown the system of corruption in the Custom House. Now I see we need expect no more such testimony if officers are to be brought up here for the purpose of retailing the merchants, for merchants will not come, fearing the displeasure of the Custom House officials and incur the displeasure with them. The investigation will be completely blocked if a swarm of inspectors are to be brought here to swear the merchants down.

Mr. Howe—I regulate the idea that the merchants of New York stand quivering before the inspectors.

Mr. Bayard—The object is not to try the Custom House officers, but to inquire into the system.

THEY NEVER ASK FOR ANYTHING.

In reply to Gov. Buckingham, Tillotson said the inspector did not receive his $25, as he had not kept the goods out of the general order. The inspector came afterward to my store for the $25.

Mr. Howe—Did he ask for it? A.—He said they never ask for anything. [Laughter, in which Gov. Buckingham joined.]

Mr. Tillotson—It required considerable effort to convince him that he was not entitled to it.

Mr. Casserly—I think we should investigate the workings of the system, and not allow the inquiry to degenerate into a wrangle between witnesses.

Gov. Buckingham then put to the vote the motion to summon the Collector, which was carried without dissent. Subpœnas were ordered for A. C. Bloomfield and W. H. Eldes.

THE UTICA CAR TRAGEDY.

AN ALBANY DOCTRESS SHOOTING TWO MEN IN A STREET CAR.

The Wrong Man Killed—The History of the Murderess and Her Intended Victim—Another Case of Free-Love and Attempted Blackmail.

UTICA, Jan. 18.—On Saturday last Mrs. Josephine McCarty of Albany came to the Butterfield House, in this city, where she engaged rooms for herself and her three children, aged 12, 7, and 5 years respectively. Some time during yesterday forenoon she left the house, and when the 10 o'clock street car from New Hartford approached the residence of Milton H. Thomson, 321 Genesee street, she was noticed by the conductor standing on the sidewalk south of the house. She allowed the car to pass, but when Mr. Thomson, accompanied by a friend, stepped from the door of his house, she signalled the car and took her seat nearly at the same time with Mr. Thomson and his friend. She sat in the rear corner on the west side, Mr. Thomson occupying a seat directly opposite.

When near the house of the Hon. O. B. Matteson, the woman rose to her feet and addressed some remarks to Mr. Thomson, which no one else in the car understood. She then leaned over, holding her ear down to catch the reply. Immediately afterward

THE REPORT OF A PISTOL

was heard, and at the same instant Mr. Thomson threw his head back against the side of the car. Blood started profusely from the lower part of his face, which he endeavored to staunch with his handkerchief. His friend, Henry H. Hall of Ogdensburg, who was seated beside him when the shot was fired, sprang to his feet and then fell dead upon the car floor.

A terrible scene ensued. The horrified passengers were unable to recover for some minutes, and the woman, taking advantage of the panic, walked out of the car and proceeded toward the hotel, leaving her muff behind. The conductor stopped the car to procure medical aid for Mr. Thomson, and requested one of the passengers to follow Mrs. McCarty. He did so, and she was arrested opposite the City Hall with the pistol still in her possession. She said she

SHOT THOMSON TO SAVE HER CHILDREN.

She accused him of being her evil spirit, and said she had only done her duty in shooting him. She several times remarked that "America has plenty of law, but not enough justice."

Mr. Thomson and the body of Mr. Hall were taken to the Butterfield House. The ball entered Mr. Thomson's left cheek, passing out through the right nostril. It is a painful, though not necessarily a dangerous wound. It is said by persons in the car that Thomson threw his head back at the instant the shot was fired, and thereby saved his life, but it was at the sacrifice of the life of his friend. The ball entered Mr. Hall's left side near the collar bone, passing down and cutting the aorta, and lodging in the right lung. Internal hemorrhage was the immediate cause of death, which must have been almost or quite instantaneous.

AN INNOCENT VICTIM.

Mr. Hall, the innocent victim of this terrible tragedy, was a coal merchant in Ogdensburg. His wife, who is a stepdaughter of Mr. Thompson's sister, was visiting at Thompson's house. Mr. Hall had come to Utica to escort her home. They expected to start at noon yesterday. Mr. Hall left the house in company with Thompson, to make preparations for his journey home, and met his death. He was rather below the medium size, and about 30 years of age.

News of the tragedy spread to all parts of the city, and in a short time the street in front of the Butterfield House, all accessible rooms on the first floor of the hotel, and the street in front of the City Hall and the station house were crowded by persons anxious to see the body of the innocent victim, the face of the wounded, or the woman who had committed the deed.

THE MURDERESS.

Immediately after the arrest of Mrs. McCarty, she was the centre of observation for as many sensation seekers as could gain admittance to the station house. She is about forty-five years of age, ladylike in appearance, although yesterday laboring under intense mental excitement. She wore a neatly-fitting brown alpaca dress, and an imitation sealskin jacket. On her hat she wore a heavy veil, which was much of the time partially drawn over her face.

She seemed to realize fully her situation, and by frequent exclamations expressed her concern for the welfare of her children. She is known in Albany as Dr. Emma Burleigh. In this city she is [illegible] by marriage. She says she assumed a different name in Albany because she depended mainly on her profession for the support and education of her children, and that in order to acquire at once an extensive practice she was obliged to advertise, and disliked to advertise over her own name. She, therefore, assumed the maiden name of her mother.

THE PRISONER'S STORY.

Mrs. McCarty says she has known Milton H. Thomson for about thirty years, and that he is the father of her two younger children. He has been a visitor at her house until his illness about two years since. During these last two years she has had no visits from him. Sometime since she purchased a house in Albany, the price of which was $4,500. On this there was a mortgage of $3,000, and she was to pay $1,500 in cash. One thousand dollars she possessed, and Mr. Thompson, she says, gave her one thousand more. Five hundred dollars of the 1st thousand she applied to the house, the remaining five hundred she expended in repairs, expecting it would be sufficient for this purpose. She says this money was a gift, and that she did not expect even to pay interest on it. At the same time, fearing trouble from other liabilities, she

GAVE MR. THOMSON A MORTGAGE

made in favor of E. Chamberlain, Mr. Thomson's own name appearing on no papers connected with the affair. The $500 applied to repairing the house was not sufficient, and owing to her inexperience she was obliged to expend four or five thousand before the premises were made comfortable. To this she applied the earnings of her profession as fast as they came in. These not being sufficient, she asked Milton H. Thomson another $1,000, which she received, sending him unsolicited a second mortgage on the property.

Recently her attorneys neglecting to pay the interest on the $300 mortgage, an action for foreclosure was begun. As the mortgage had nearly expired it was arranged that on the payment of its face it was to be assigned to the attorney. At about this time Mr. Homer G. Thomson came to Albany, and demanded that the first mortgage be assigned to his brother Milton H. This was done. Mrs. McCarty says she did not like the looks of affairs, and began to fear that

SHE WAS TO BE SOLD OUT.

Some weeks since a real estate agent came to her house with a card [illegible] that the place was for sale. This, she says, was the first direct intimation she had that she was to be turned out. Afterward she was told that the place had been sold, and on Wednesday last herself and her children were thrown out from the house.

On Saturday she came to Utica for the purpose of having some provision made for her children. She denies that she intended any violence to Mr. Thomson when she came, and seems to have made no preparation for this result to her visit. Her oldest son says that she has

HABITUALLY CARRIED A PISTOL

since an attempt was made to break into her house, some time since.

Mrs. McCarty came from Virginia in her early years, and it was during her girlhood that she became acquainted with Milton H. Thomson. She married a Scotchman named McCarty, with whom she went to Europe. After her return, she left her husband, and subsequently, she says, obtained a divorce. She intimates that she left her husband through the persuasion of Mr. Thomson.

MRS. M'CARTY IN ALBANY.

From the Albany Argus.

Mrs. Dr. Burleigh, murderess of Mr. Hall, is well known in this city, where she has resided for seven or eight years. In 1862 or 1863, she was a kept mistress of a noted political leader of this State, and lived in elegant style, *à la* Mansfield, at one of the principal hotels of this city. The legislation of these years is supposed, and is generally conceded, to have been largely influenced by this woman, who was very intimate with many of the leading politicians, her parlors at the hotel being the resort of many prominent men. She disappeared from here very suddenly, early in the year 1863, and was next heard of down on the Potomac, where she was engaged in smuggling quinine through our lines over to the rebels. The General in command of one of the divisions on the extreme outer line of the United States forces (and who is at present in this city), arrested here there several times as a rebel spy, finding quinine on her person each time. She was dressed in men's clothes, and was known as "Johnny McCarty, the blockade runner."

On each occasion the General in command received a peremptory order from the then Secretary of War, directing her immediate discharge. The "power behind the throne" which followed the woman, and always interposed its protecting hand, was never known to those in command, and ever afterwards she was left to go and come through the lines at will.

HER ACQUAINTANCE WITH MR. THOMSON.

Possessing an intelligent face, dark eyes, a petite figure, and dressing in elegant costume, she was a woman that attracted attention whenever met with. It appears that while on board one of the river steamboats, bound for New York, while she was living on Broadway, she met Mr. Thomson, and they occupied her room on the boat that night. The result of this meeting she claimed was a little girl.

On her return home, having ascertained the name and residence of her companion, she commenced a series of black-mailing operations—at times drawing on Mr. Thompson, it is claimed, for $100 to $500. He arranged for her removal to Howard street, purchasing the property for her to live in. Her demands became larger and more frequent, and some months ago he refused to honor them, saying he had already done more than she ought to ask of him.

She then went to Utica, told the story in public, which finally reached Mr. T.'s family. Not heeding her repeated demands, she continued her importunities, when he finally sold the house on Howard street, and Mrs. Burleigh, refusing to leave the premises under an allotted time designated by the courts, her effects were taken from the house by the Sheriff.

A CARD FROM MR. THOMSON.

Mr. Thomson to-morrow morning will publish the following:

UTICA, N. Y., Jan. 18, 1872.

To the Public:

I do not expect to silence the clamor of those who devour character and fatten thereon; but I have a right to demand, and do demand, that all sensible people, and especially those who have professed to be my friends, withhold their judgment till they get the facts.

MILTON H. THOMSON.

The Coroner's jury this afternoon rendered the verdict against the woman.

AN ASSASSIN IN FORDHAM.

Has a Murderer been Employed by a Step-Father to Kill the Heirs to $4,000,000—An Assassin Visits St. John's College.

Within the past fortnight two attempts have been made to assassinate Eugene Benoit, a student attending St. John's College, Fordham. Eugene Benoit and his brother, Henri, who is also a student at the college, are natives of St. Louis. Eugene is 19 years old, and Henri is 21. Their father, who was at one time the leading banker of St. Louis, died some years ago, leaving Henri and Eugene, then mere children, heirs to an estate valued at nearly $4,000,000.

A Mr. James Murrin of St. Louis was appointed administrator of the estate. The boys were sent by their mother to the College of Notre Dame in Indianapolis. They remained in Indianapolis two years, and then were sent to Seton Hall College, in South Orange, N. J. About two years ago it was again resolved to change the boys, and St. John's College, Fordham, was selected.

THE BOYS' MOTHER'S MARRIAGE.

Not long after the death of Mr. Benoit, Sr., the widow married Mr. Murrin, the administrator of her first husband's estate. Several children has been born to them, and by some means unknown the vast property left by Benoit has become a matter of litigation.

Whether one of the litigants regards Eugene and Henri Benoit as impediments to their success in the lawsuit and desires to get them out of the way, is not positively known, but that three attempts to assassinate at least one of them has been made is conclusively proved.

A SUN reporter visited St. John's College yesterday and found the management of the College very anxious to keep the story out of print. It was with difficulty that the facts could be elicited.

WHY HENRY BENOIT WAS NOT ATTACKED.

Eugene Benoit is a fair-haired and smooth-faced lad. He is well proportioned, with an intelligent and pleasing countenance. Eugene's sleeping apartments are on the third floor of the Seminary building, which is about 300 yards distant from the College. His brother Henri sleeps in a room in another building about 300 yards from the Seminary building. The building in which Henri sleeps is of stone and not so easy of access as the Seminary, which is of wood.

About 5 o'clock on the morning of the 12th of January, Eugene was awakened by a strange hand thrust under the bed covering, and cautiously feeling to ascertain the exact spot beneath which was his heart.

THE ASSASSINS FIRST ATTEMPT.

He at first thought that it was a freak of his imagination; but as the hand was removed and placed on another portion of his body, he felt assured that an intruder was in his room, and that the stranger's presence boded him no good. Eugene spoke twice to the man, whom he could only describe, through the darkness of the room, as a large man with full whiskers. He received no reply.

Eugene then sprang out of bed, and going toward where the man was standing, struck at him, but the outlaw eluded the blow, and darting through the door, escaped down the stairs. Eugene hastily lighted a dark lantern, and seizing his revolver from the bureau, followed in hot pursuit; but the fellow had made his escape. Thinking that the intruder only meditated robbery, young Benoit on his return to the building awakened his fellow-students, and after narrating what had happened, asked them whether they had lost anything. But nothing had been stolen.

One of the inmates of the College asserts that on the following morning a slender bladed, sharp-pointed stiletto was found under Benoit's bed, but this is denied by the Rev. Joseph Shea, the President of the College.

PRECAUTIONS AGAINST A SECOND ATTEMPT.

Prior to this attempt Benoit had slept with his door unfastened. Subsequently, however, he took the precaution, after closing his door, to place a heavy chair against it.

On the chair he laid his violin and box, so that in case any one attempted to open the door, the violin would fall and awaken him. The startling event of that night was reported to the President, and he promised to have an investigation, and warned the students, numbering twenty-five, who slept in the Seminary building, to secure their doors and keep a sharp look out for the future.

Around the college grounds five large and ferocious dogs are let loose nightly. In addition to these, a private watchman, armed with a club and revolver, patrols the entire night. The watchman and Paul Biggins were warned by the Rev. Mr. Shea to be vigilant, and if possible to prevent a repetition of the attempt of the 12th.

THE MURDERER AGAIN.

Notwithstanding all of these precautions, the assassin eluded their vigilance, and on Wednesday morning at about 1 o'clock again gained access to the building. At that hour William Ahearn, one of the students occupying a room on the same floor with young Benoit, was awakened by footsteps ascending the stairs. At the head of the stairs is a glass door which leads to the hallway on which the rooms open.

Ahearn, who is a stout-built young man, and withal very courageous, having in his mind the former nocturnal visitor, rushed into the hall and confronted [illegible] glass door, which he [illegible] him.

A STRUGGLE WITH THE ASSASSIN.

He is a large, powerful man, with huge whiskers, corresponding with the description of the man who attempted to assassinate young Benoit.

Mr. Ahearn in a loud voice demanded his business, but the fellow made no reply. Ahearn then grappled with him, and a desperate struggle for the mastery ensued. Ahearn finding that he was no match for his antagonist, and that his strength was failing him, shouted for help, still maintaining his grasp on the assassin, who was desperately struggling to release himself. When he became aware that he could not shake off the hold that Ahearn had on his throat, the outlaw drew a revolver and muttered "d—— you, loosen your hold on my throat, or by G—I'll fire." Ahearn saw the pistol gleaming full in his face, but he still clung to the fellow's throat and shouted for assistance, keeping an eye on the pistol. When his assailant found that Ahearn could not be frightened off, he poised the revolver at his head and fired.

A STRUGGLE FOR LIFE.

Ahearn quick as a cat struck up his hand, and the bullet went wide of its intended mark, and struck the plastering of the hall. Failing of his object the assassin with a desperate effort broke away from Ahearn, and dashing down the steps escaped to the college grounds.

The shouts of Ahearn and the discharge of the pistol awakened Alpin Cameron and George Quinn, students, and they ran to the hall. The three then armed themselves, and accompanied by young Benoit who by this time had made his appearance, started in pursuit of the assassin, but he had again eluded the dogs and the watchman and escaped.

On the following morning the ball fired from the pistol was found lying in the hall by John Dixon, a fellow-student. It was flattened on one side, where it had struck the wall and rebounding had fallen to the floor.

AN ATTEMPT IN THE FIFTH AVENUE HOTEL.

The reporter having heard that while young Benoit was at the Fifth Avenue Hotel last autumn, a like attempt had been made to take the boy's life, and that he had been severely wounded in the arm, asked permission of the Rev. Mr. Shea to converse with the young man and ascertain the truth or falsity of the rumor.

The Rev. Mr. Shea reluctantly consented to have the young man questioned, but finally permitted the interview, after warning the reporter not to ask questions appertaining to his domestic relations. After a lapse of about twenty minutes, young Benoit entered the parlor and was introduced by the President.

"I have called, Mr. Benoit, to ask you a few questions relative to a reported attempt to assassinate you," said the reporter.

THE BOY'S RELUCTANCE TO TELL THE STORY.

Mr. Benoit—(Casting furtive glances at the President who remained in the room, and was standing in front of the lad.) Well now, I think that this thing has gone about far enough. It would please me better, (another look at the President) if the whole matter was let drop.

Reporter—But, Mr. Benoit, there have certainly been at least two, and I understand three attempts made on your life. What I want is an account from your own lips.

Mr. Benoit—That some one has attempted to kill me is true, but I cannot tell the motive. The circumstances connected with the affair you have already learned from the President.

Reporter—Are you a believer in the supernatural, or are you a spiritualist?

Mr. Benoit (smiling)—No, indeed, I am neither.

Reporter—Have you no personal enemies?

Mr. Benoit—None that I am aware of?

Reporter—I have been informed that you and your brother are heirs to a very large estate left to you by your father, that the property is in litigation, and that you and your brother are the only bars to the success of the other claimants. If such is the fact, do you not deem that a sufficient incentive to have you put out of the way?

Mr. Benoit (evidently disconcerted and ill at ease, with his eyes cast down)—You will excuse me, sir, but that is a matter I prefer not to speak about.

The reporter took his leave.

The Rev. Mr. Shea informed the reporter that he had employed a detective and changed young Benoit's sleeping apartments.

MUST MURDERERS ESCAPE?

IS THE COURT OF OYER AND TERMINER A LEGAL COURT?

Has the Repeal of Existing Laws by the City Charter of 1870 Nullified the Action of the Court of Oyer and Terminer?—The Case as Stated by Judge Ingraham.

In the case of William O'Kell agt. The People, Judge Ingraham, in the General Term of the Supreme Court, made the following decision as to the legality of the Court of Oyer and Terminer of this district:

By the original charter of New York, the Mayor, Recorder, and Aldermen were made Justices assigned of Oyer and Terminer. An act passed in 1847, chapter 280, section 39, provided that the Courts of Oyer and Terminer of the county of New York should be composed of a Justice of the Supreme Court and any two of the Judges of the Court of Common Pleas, the Mayor, Recorder, and Aldermen.

By the act entitled "An act further to amend the charter of the city," passed April 11, 1853, section 6, it was provided that no Alderman should thereafter sit or act as Judge in the Court of Oyer and Terminer.

By an act supplementary to the last cited act, passed June 14, 1853, section 3, it was provided that thereafter Courts of Oyer and Terminer in and for said city, may be held by a Justice of the Supreme Court, and that all the powers and jurisdiction appertaining by law to such Courts shall be possessed and exercised by such Judge.

In the act to amend the charter passed April 14, 1857, the same provisions were repeated, that no Alderman should sit or act as Judge of the Oyer and Terminer, and that Courts of Oyer and Terminer for the city and county of New York might be held by a Justice of the Supreme Court. Section 48.

All the acts above cited are by their titles repealed by the 120th section of the act to reorganize the local government of the city of New York, passed April 5, 1870, except the Act passed in 1847.

The repeal of these statutes designating what Judge should hold the Oyer and Terminer in New York is relied on in behalf of the prisoner, as showing that the court was not properly organized when the prisoner was tried, and, therefore, that the conviction was illegal.

The word repeal is to be used in a limited sense, and not to be taken as absolute, if it appeared on the face of the whole Act to be used in a limited sense. 10 East. 553.

In this case the whole scope of the act was to provide for the local government of New York. Nothing was contained in the act on the subject of the Courts, nor providing for their organization. There is nothing in the whole act which relates to any other subject than the government of the city.

It is clear that the words of this repealing clause are sufficient, if construed literally, to repeal the whole of these statutes.

But there are considerations connected with the subject matter of the repealing act that will justify a different conclusion. It does not follow because the repeal is general, that the whole act is to be repealed—whether an act professing to repeal, or interfere with the provisions of a former law, is to operate as a total, a partial, or temporary repeal, is a question of construction. Potter's Dwarris on Statutes, 158.

The proper construction of this repealing clause is, that it was intended to repeal everything inconsistent with or relating to the government of the city as there provided for. There is another view of this question which seems to me to be entitled to much weight in its decision.

Statutes should be so construed as to give effect to every part; and where one interpretation of any part of it would nullify another part while a different one would give effect to the whole, the latter should prevail.

This act which contains the repeal is a local act; the repealing clause is to affect a State Court organized under the Constitution and is not local. If the repeal is construed as affecting this Court of Oyer and Terminer, it would have the effect of rendering nugatory the whole of the act which relates to local matters (See People agt. McCann, 16 N. Y., 61; People agt. Supervisors, &c., 43 N. Y., 13–23), while if the repeal is limited to the matters connected with the city government, the whole act can stand. Where such must be the effect, I think the Court is fully justified in thus limiting the effect of the repealing clause.

Such a construction should be followed although it seems to be contrary to the letter, where it is within the intention of the makers. 15 J. R., 380; 3 Cowen, 89.

It is contended that the Constitution, which directs that a Justice of the Supreme Court may preside in Courts of Oyer and Terminer in any county, does not prohibit the Legislature from adding other Judges to that Court. See section 8 of amended article. Admitting that to be the proper construction of the word "preside," as there used, still legislation would be necessary to provide such other Judges. (People vs. Mayor, &c., 25 Wend. 32.)

The only ground on which it is claimed that there are other Judges who should sit in Oyer and Terminer is, that the repeal of the various acts authorizing the Court to be held by the Justice of the Supreme Court revived the provision of the Revised Statutes, and the act of 1847, which designated other Judges for that purpose.

The answer to that is, that the act of 1847, as well as the provision of the Revised Statutes on that subject, designating Judges to hold the Court, were repealed long before the statutes above referred to, and there is now no law providing for such Judges in the Court to be revived.

The 17th section of the Code of Procedure, as passed in 1848, is as follows: "All statutes now in force providing for the designation of the times and places of holding the terms of the Supreme Court, Circuit Courts, and Courts of Oyer and Terminer, and of the Judges who shall hold the same are repealed from and after the first day of July, 1848."

The 22d section of the code authorizes the Governor to designate the Judges by whom such Courts should be held, up to the year 1850.

There is, therefore, no statute now in force which designates any person to sit as Judge of the Oyer and Terminer [illegible] Supreme Court to preside therein. This seems to be conclusive against the objection raised to the organization of the Court of Oyer and Terminer at which the prisoner was tried, and without further legislation on the subject the Court would not have been properly organized if there had been any Judge holding the Court other than a Justice of the Supreme Court.

No error was committed on the trial, and the judgment should be affirmed.

HARRY HILL'S FIELD DAY.

Sam Hurst, the Heaviest of the Heavy Weights—Jem Mace's Challenge—High Old Time for the Boys Generally.

Yesterday afternoon at Harry Hill's there was a great exhibition of sparring. Harry Hill came on the stage, leading what at first [illegible] appeared to be [illegible] ropes it was discovered to be a man. Harry looked up at this immense personage, smiled, and said: "Gentlemen, I have the honor to introduce to you Sam Hurst, ex-champion of England, who arrived from Liverpool yesterday."

They then retired before the sports had time to recover from their astonishment. Mr. Hurst is six feet, two inches in height, and weighs 250 pounds. Jem Mace won the championship from him, since which time big Sam has not appeared in the ring. He told the SUN reporter that he had no intention of again entering the ring, but merely crossed the Atlantic to see the sporting paradise of the Western Hemisphere.

During the entertainment Harry Hill introduced Mr. Mace. "He will fight any man in the world," said Harry, "but he is particularly anxious to encounter the Irish giant, O'Baldwin."

Applause followed this announcement, and there were loud cries for Mr. Mace. The champion of the heavy weights tripped on the stage, and said:

"I have often stated that I had retired from the ring, but as Mr. O'Baldwin wants to fight, and defies the world, I am ready for him. The result of my late meeting with Mr. Coburn was not at all satisfactory, and I desire to end my fighting career as the champion, or be vanquished. I am ready at this moment to make all arrangements for a fight in a 24 foot ring with any man in the world, for from $1,000 to $5,000. I am especially anxious to hear from O'Baldwin."

A Market for $600,000,000 of the New Loan.

PHILADELPHIA, Jan. 18.—Jay Cooke has published a card in which he says that the joint proposition made by his house and that of the Rothschilds to take $600,000,000 of the new loan was made in entire good faith, and the persons interested are ready to carry out promptly the negotiation as soon as the Secretary of the Treasury is able to comply with its terms, and shall conclude to accept the proposition. The proposition is to take $50,000,000 of the new five per cent. loan on or before the 1st of February next, with the option of $50,000,000 more during the year; and should Congress accede to the Secretary's recommendation, and make the interest payable in London, then to take an additional $300,000,000 of the fives, and $300,000,000 of the four-and-a-halfs, on or before the close of 1873. The negotiation is, with the exception of one amendment—to make the interest payable in London—to be on the precise terms as to the time and mode of payment, commissions, &c., as was granted in the $150,000,000 negotiation. Jay Cooke thinks that if Congress gives to Mr. Boutwell authority to make the interest payable in London, the whole six hundred millions can be funded into four-and-a-half and five per cents during the present year, which, together with what has already been done, will save nearly $10,000,000 per annum to the Treasury.

Nominated for United State Senate.

ANNAPOLIS, Jan. 18.—At the Democratic caucus to-night the Hon. George R. Dennis, present State Senator from Somerset county, was nominated for the United States Senate, to succeed the Hon. G. Vickers, whose term expires March, 1873. Mr. Dennis was nominated on the second ballot, receiving fifty-eight votes.

Westward Ho!

HARRISBURGH, Pa., Jan. 18.—William M. Tweed passed here going west last evening.